

LEGISLATIVE BILL 560

Approved by the Governor March 19, 2004

Introduced by Baker, 44

AN ACT relating to the Department of Motor Vehicles; to amend sections 37-1201, 60-6,324, 60-1805, and 81-8,219, Reissue Revised Statutes of Nebraska, sections 13-910, 30-24,125, 37-1291, 60-108, 60-110, 60-111.01, 60-129, 60-302.05, 60-308, 60-311.01, 60-484.02, 60-1901, 60-1904, and 60-1907, Revised Statutes Supplement, 2002, and sections 60-106, 60-139, 60-301, 60-311.02, 60-364, 60-462.01, and 60-483, Revised Statutes Supplement, 2003; to provide for transfer of certificates of title in certain decedents' estates; to provide for salvage and nontransferable certificates of title for motorboats; to provide for disposition of abandoned motorboats; to change provisions relating to the State Boat Act, assembled all-terrain vehicle and minibike certificates of title, motor vehicle certificates of title and registration, salvage branded certificates of title, and registration of snowmobiles and camper units; to redefine terms; to change fees for motor vehicle record requests; to adopt updated federal regulations; to provide for the release of certain driver's license information; to provide powers and duties related to abandoned all-terrain vehicles and minibikes; to provide penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 13-910, Revised Statutes Supplement, 2002, is amended to read:

13-910. The Political Subdivisions Tort Claims Act and sections 16-727, 16-728, 23-175, 39-809, and 79-610 shall not apply to:

(1) Any claim based upon an act or omission of an employee of a political subdivision, exercising due care, in the execution of a statute, ordinance, or officially adopted resolution, rule, or regulation, whether or not such statute, ordinance, resolution, rule, or regulation is valid;

(2) Any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of the political subdivision or an employee of the political subdivision, whether or not the discretion is abused;

(3) Any claim based upon the failure to make an inspection or making an inadequate or negligent inspection of any property other than property owned by or leased to such political subdivision to determine whether the property complies with or violates any statute, ordinance, rule, or regulation or contains a hazard to public health or safety unless the political subdivision had reasonable notice of such hazard or the failure to inspect or inadequate or negligent inspection constitutes a reckless disregard for public health or safety;

(4) Any claim based upon the issuance, denial, suspension, or revocation of or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, or order. Nothing in this subdivision shall be construed to limit a political subdivision's liability for any claim based upon the negligent execution by an employee of the political subdivision in the issuance of a certificate of title under sections 37-1278 to 37-1279, 37-1282, 37-1283, 37-1291, 60-110 to 60-112, and 60-129 to 60-131 and sections 5 to 11 of this act;

(5) Any claim arising with respect to the assessment or collection of any tax or fee or the detention of any goods or merchandise by any law enforcement officer;

(6) Any claim caused by the imposition or establishment of a quarantine by the state or a political subdivision, whether such quarantine relates to persons or property;

(7) Any claim arising out of assault, battery, false arrest, false imprisonment, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(8) Any claim by an employee of the political subdivision which is covered by the Nebraska Workers' Compensation Act;

(9) Any claim arising out of the malfunction, destruction, or unauthorized removal of any traffic or road sign, signal, or warning device unless it is not corrected by the political subdivision responsible within a reasonable time after actual or constructive notice of such malfunction,

destruction, or removal. Nothing in this subdivision shall give rise to liability arising from an act or omission of any political subdivision in placing or removing any traffic or road signs, signals, or warning devices when such placement or removal is the result of a discretionary act of the political subdivision;

(10) Any claim arising out of snow or ice conditions or other temporary conditions caused by nature on any highway as defined in section 60-624, bridge, public thoroughfare, or other public place due to weather conditions. Nothing in this subdivision shall be construed to limit a political subdivision's liability for any claim arising out of the operation of a motor vehicle by an employee of the political subdivision while acting within the course and scope of his or her employment by the political subdivision;

(11) Any claim arising out of the plan or design for the construction of or an improvement to any highway as defined in such section or bridge, either in original construction or any improvement thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the political subdivision or some other body or employee exercising discretionary authority to give such approval; or

(12) Any claim arising out of the alleged insufficiency or want of repair of any highway as defined in such section, bridge, or other public thoroughfare. Insufficiency or want of repair shall be construed to refer to the general or overall condition and shall not refer to a spot or localized defect. A political subdivision shall be deemed to waive its immunity for a claim due to a spot or localized defect only if the political subdivision has had actual or constructive notice of the defect within a reasonable time to allow repair prior to the incident giving rise to the claim.

Sec. 2. Section 30-24,125, Revised Statutes Supplement, 2002, is amended to read:

30-24,125. (a) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating:

(1) the value of all of the personal property in the decedent's estate, wherever located, less liens and encumbrances, does not exceed twenty-five thousand dollars;

(2) thirty days have elapsed since the death of the decedent as shown in a certified or authenticated copy of the decedent's death certificate attached to the affidavit;

(3) the claiming successor's relationship to the decedent or, if there is no relationship, the basis of the successor's claim to the personal property;

(4) the person or persons claiming as successors under the affidavit swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement may subject the person or persons to penalties relating to perjury under section 28-915;

(5) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and

(6) the claiming successor is entitled to payment or delivery of the property.

(b) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (a).

(c) In addition to compliance with the requirements of subsection (a), a person seeking a transfer of a certificate of title to a motor vehicle, motorboat, all-terrain vehicle, or minibike shall be required to furnish to the Department of Motor Vehicles an affidavit showing applicability of this section and compliance with the requirements of this section to authorize the department to issue a new certificate of title.

Sec. 3. Section 37-1201, Reissue Revised Statutes of Nebraska, is amended to read:

37-1201. Sections 37-1201 to 37-1291 and sections 5 to 23 of this act shall be known and may be cited as the State Boat Act. It is the policy of this state to promote safety for persons and property in and connected with the use, operation, and equipment of vessels and to promote uniformity of laws relating thereto.

Sec. 4. Section 37-1291, Revised Statutes Supplement, 2002, is

amended to read:

37-1291. When an insurance company authorized to do business in Nebraska acquires a motorboat which has been properly titled and registered in a state other than Nebraska through payment of a total loss settlement on account of theft and the motorboat has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair, the company shall obtain the certificate of title from the owner and may make application for a nontransferable certificate of title by surrendering the certificate of title to the county clerk. A nontransferable certificate of title shall be issued in the same manner and for the same fee as provided for a certificate of title in sections 37-1275 to 37-1287 and shall be on a form prescribed by the Department of Motor Vehicles.

A motorboat which has a nontransferable certificate of title shall not be sold or otherwise transferred or disposed of without first obtaining a certificate of title under sections 37-1275 to 37-1287.

When a nontransferable certificate of title is surrendered for a certificate of title, the application shall be accompanied by a statement from the insurance company stating that to the best of its knowledge the motorboat has not become unusable for transportation through damage and has not sustained any malfunction beyond reasonable maintenance and repair. The statement shall not constitute or imply a warranty of condition to any subsequent purchaser or operator of the motorboat. Sections 37-1201 to 37-1291 shall be known and may be cited as the State Boat Act.

Sec. 5. For purposes of this section and sections 6 to 11 of this act:

(1) Cost of repairs means the estimated or actual retail cost of parts needed to repair a motorboat plus the cost of labor computed by using the hourly labor rate and time allocations for repair that are customary and reasonable. Retail cost of parts and labor rates may be based upon collision estimating manuals or electronic computer estimating systems customarily used in the insurance industry;

(2) Late model motorboat means a motorboat which has (a) a manufacturer's model year designation of, or later than, the year in which the motorboat was wrecked, damaged, or destroyed, or any of the six preceding years, or (b) a retail value of more than ten thousand dollars until January 1, 2006, a retail value of more than ten thousand five hundred dollars until January 1, 2010, and a retail value of more than ten thousand five hundred dollars increased by five hundred dollars every five years thereafter;

(3) Previously salvaged means the designation of a rebuilt or reconstructed motorboat which was previously required to be issued a salvage branded certificate of title;

(4) Retail value means the actual cash value, fair market value, or retail value of a motorboat as (a) set forth in a current edition of any nationally recognized compilation, including automated data bases, of retail values or (b) determined pursuant to a market survey of comparable motorboats with respect to condition and equipment; and

(5) Salvage means the designation of a motorboat which is:

(a) A late model motorboat which has been wrecked, damaged, or destroyed to the extent that the estimated total cost of repair to rebuild or reconstruct the motorboat to its condition immediately before it was wrecked, damaged, or destroyed and to restore the motorboat to a condition for legal operation, meets or exceeds seventy-five percent of the retail value of the motorboat at the time it was wrecked, damaged, or destroyed; or

(b) Voluntarily designated by the owner of the motorboat as a salvage motorboat by obtaining a salvage branded certificate of title, without respect to the damage to, age of, or value of the motorboat.

Sec. 6. When an insurance company acquires a salvage motorboat through payment of a total loss settlement on account of damage, the company shall obtain the certificate of title from the owner, surrender such certificate of title to the county clerk, and make application for a salvage branded certificate of title which shall be assigned when the company transfers ownership. An insurer shall take title to a salvage motorboat for which a total loss settlement is made unless the owner of the motorboat elects to retain the motorboat. If the owner elects to retain the motorboat, the insurance company shall notify the Department of Motor Vehicles of such fact in a format prescribed by the department. The department shall immediately enter the salvage brand onto the computerized record of the motorboat. The insurance company shall also notify the owner of the owner's responsibility to comply with this section. The owner shall, within thirty days after the settlement of the loss, forward the properly endorsed acceptable certificate of title to the county clerk or designated county official in the county designated in section 37-1214. The county clerk or designated county official

shall, upon receipt of the certificate of title, issue a salvage branded certificate of title for the motorboat.

Sec. 7. Whenever a title is issued in this state for a motorboat that is designated as salvage or previously salvaged, the following title brands shall be required: Salvage or previously salvaged. A certificate branded salvage or previously salvaged shall be administered in the same manner and for the same fee as provided for a certificate of title in sections 37-1275 to 37-1287.

Sec. 8. A certificate of title which is issued on or after January 1, 2005, shall disclose in writing, from any records readily accessible to the Department of Motor Vehicles or county officials or a law enforcement officer, anything which indicates that the motorboat was previously issued a title in another jurisdiction that bore any word or symbol signifying that the motorboat was damaged, including, but not limited to, older model salvage, unrebuildable, parts only, scrap, junk, nonrepairable, reconstructed, rebuilt, flood damaged, damaged, or any other indication, symbol, or word of like kind, and the name of the jurisdiction issuing the previous title.

Sec. 9. Any person who acquires ownership of a salvage motorboat, for which he or she does not obtain a salvage branded certificate of title, shall surrender the certificate of title to the county clerk and make application for a salvage branded certificate of title within thirty days after acquisition or prior to the sale or resale of the motorboat or any major component part of such motorboat or use of any major component part of the motorboat, whichever occurs earlier.

Sec. 10. Nothing in sections 6 to 11 of this act shall be construed to require the actual repair of a wrecked, damaged, or destroyed motorboat to be designated as salvage.

Sec. 11. Any person who knowingly transfers a wrecked, damaged, or destroyed motorboat in violation of sections 6 to 9 of this act is guilty of a Class IV felony.

Sec. 12. (1) A motorboat is abandoned:

(a) If left unattended for more than seven days on any public property;

(b) If left unattended for more than seven days on private property if left initially without permission of the owner;

(c) If left for more than seven days on private property after permission of the owner is terminated; or

(d) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under section 15 of this act.

(2) For purposes of this section:

(a) Public property means any public park, waterfront, or other state, county, or municipally owned property; and

(b) Private property means any privately owned property which is not included within the definition of public property.

(3) No motorboat subject to forfeiture under section 28-431 shall be deemed abandoned under this section.

Sec. 13. If an abandoned motorboat, at the time of abandonment, has no hull identification number affixed and is of a wholesale value, taking into consideration the condition of the motorboat, of two hundred fifty dollars or less, title shall immediately vest in the local authority or state agency having jurisdiction thereof as provided in section 16 of this act. Any certificate of title issued under this section to the local authority or state agency shall be issued at no cost to such authority or agency.

Sec. 14. (1) Except for motorboats covered by section 13 of this act, the local authority or state agency having custody of an abandoned motorboat shall make an inquiry concerning the last-registered owner of such motorboat to the Department of Motor Vehicles.

(2) The local authority or state agency shall notify the last-registered owner, if any, that the motorboat in question has been determined to be abandoned and that, if unclaimed, either (a) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (b) title will vest in the local authority or state agency thirty days after the date such notice was mailed. If the Department of Motor Vehicles also notifies the local authority or state agency that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such motorboat shall be required to pay the cost of removal and storage of such motorboat.

(3) Title to an abandoned motorboat, if unclaimed, shall vest in the local authority or state agency (a) five days after the date the notice is mailed if the motorboat will be sold or offered at public auction under subdivision (2)(a) of this section, (b) thirty days after the date the notice

is mailed if the local authority or state agency will retain the motorboat, or (c) if the last-registered owner cannot be ascertained, when notice of such fact is received.

(4) After title to the abandoned motorboat vests pursuant to subsection (3) of this section, the local authority or state agency may retain for use, sell, or auction the abandoned motorboat. If the local authority or state agency has determined that the motorboat should be retained for use, the local authority or state agency shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the local authority or state agency intends to retain the abandoned vehicle for its use and that title will vest in the local authority or state agency thirty days after the publication.

Sec. 15. A state or local law enforcement agency which has custody of a motorboat for investigatory purposes and has no further need to keep it in custody shall send a certified letter to each of the last-registered owners stating that the motorboat is in the custody of the law enforcement agency, that the motorboat is no longer needed for law enforcement purposes, and that after thirty days the agency will dispose of the motorboat. This section shall not apply to a motorboat subject to forfeiture under section 28-431. No storage fees shall be assessed against the registered owner of a motorboat held in custody for investigatory purposes under this section unless the registered owner or the person in possession of the motorboat when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the motorboat into custody. If a registered owner or the person in possession of the motorboat when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees.

Sec. 16. If a state agency caused an abandoned motorboat described in subdivision (1)(d) of section 12 of this act to be removed from public property, the state agency shall be entitled to custody of the motorboat. If a state agency caused an abandoned motorboat described in subdivision (1)(a), (b), or (c) of section 12 of this act to be removed from public property, the state agency shall deliver the motorboat to the local authority which shall have custody. The local authority entitled to custody of an abandoned motorboat shall be the county in which the motorboat was abandoned or, if abandoned in a city or village, the city or village in which the motorboat was abandoned.

Sec. 17. Any proceeds from the sale of an abandoned motorboat less any expenses incurred by the local authority or state agency shall be held by the local authority or state agency, without interest, for the benefit of the owner or lienholders of such motorboat for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the local authority entitled to custody under section 16 of this act or the General Fund if a state agency is entitled to custody under section 16 of this act.

Sec. 18. Neither the owner, lessee, nor occupant of the premises from which any abandoned motorboat is removed, nor the state, city, village, or county, shall be liable for any loss or damage to such motorboat which occurs during its removal or while in the possession of the state, city, village, or county or its contractual agent or as a result of any subsequent disposition.

Sec. 19. No person shall cause any motorboat to be abandoned as described in subdivision (1)(a), (b), or (c) of section 12 of this act.

Sec. 20. No person other than one authorized by the appropriate local authority or state agency shall destroy, deface, or remove any part of a motorboat which is left unattended on a highway or other public place without a hull identification number affixed or which is abandoned. Anyone violating this section is guilty of a Class V misdemeanor.

Sec. 21. The last-registered owner of an abandoned motorboat shall be liable to the local authority or state agency for the costs of removal and storage of such motorboat.

Sec. 22. The Director of Motor Vehicles may adopt and promulgate rules and regulations providing for such forms and procedures as are necessary or desirable to effectuate sections 12 to 23 of this act. Such rules and regulations may include procedures for the removal and disposition of hull identification numbers of abandoned motorboats, forms for local records for abandoned motorboats, and inquiries relating to ownership of such motorboats.

Sec. 23. Any person violating sections 12 to 19 of this act shall be guilty of a Class II misdemeanor.

Sec. 24. Section 60-106, Revised Statutes Supplement, 2003, is amended to read:

60-106. (1) Each county shall issue and file certificates of title

using the vehicle titling and registration computer system prescribed by the Department of Motor Vehicles.

(2) (a) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles. All applications shall be accompanied by the fee prescribed in section 60-115.

(b) All applications for a certificate of title to a mobile home as defined in subdivision (2) of section 60-614 shall be accompanied by a mobile home transfer statement prescribed by the Property Tax Administrator. The mobile home transfer statement shall be filed by the applicant with the county clerk of the county of application for title. The county clerk shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. The county clerk shall retain the original copy of the mobile home transfer statement, forward two copies to the county assessor, and provide a copy to the applicant.

(3) (a) If the motor vehicle has situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has situs as defined in section 60-3001.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-356 shall file the application for title to the vehicle with the Division of Motor Carrier Services of the Department of Motor Vehicles. The division shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the division shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the division shall be issued in the manner prescribed for the county clerk in section 60-107.

(4) If a certificate of title has previously been issued for the motor vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 52-1801, the application, unless otherwise provided for in sections 60-102 to 60-117, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. If the application for a certificate of title in this state is accompanied by a valid certificate of title issued by another state which meets that state's requirements for transfer of ownership, then the application may be accepted by this state. If the vehicle is a specially constructed motor vehicle as defined in section 60-3001, the application shall be accompanied by a kit manufacturer's certificate of origin and a bill of sale or manufacturer's certificates of origin and bills of sale for all major component parts. For purposes of this subsection, certificate of title shall include a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage branded certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 60-111.01. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(5) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(6) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that (a) for titles to be held by husband and wife,

applications may be accepted upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(7) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his or her name prior to any subsequent transfer.

(8) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage branded certificate of title or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-356, (d) the vehicle is a cabin trailer, (e) the title sought is the first title for a motor vehicle sold directly by the manufacturer of the motor vehicle to a licensed dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a licensed dealer franchised by the manufacturer of the motor vehicle. The Department of Motor Vehicles shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to subdivision (8)(e) or (f) of this section, which form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a current certificate of training issued pursuant to section 60-121, and shall be in a format as determined by the department, and shall expire ninety days after the date of the inspection. The county clerk shall accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection conducted by the Nebraska State Patrol, a fee of ten dollars shall be paid. Such fee shall be remitted to the State Treasurer for credit to the Nebraska State Patrol Cash Fund. For each inspection conducted by the county sheriff, a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical, if there is reason to believe further inspection is necessary, or if the inspection is for a Nebraska assigned number, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle, a kit vehicle, or a vehicle otherwise assembled, the inspection of such assembled vehicle, kit vehicle, or vehicle otherwise assembled shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

(9) An application for a certificate of title for a mobile home or cabin trailer shall be accompanied by a certificate that states that sales or use tax has been paid on the purchase of the mobile home or cabin trailer or that the transfer of title was exempt from sales and use taxes. The county clerk shall issue a certificate of title for a mobile home or cabin trailer but shall not deliver the certificate of title unless the certificate required under this subsection accompanies the application for certificate of title for the mobile home or cabin trailer, except that the failure of the application to be accompanied by such certificate shall not prevent the notation of a lien on the face of the certificate of title to the mobile home or cabin trailer pursuant to section 60-110 and delivery to the holder of the first lien.

(10) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186:

(a) Applications under subsections (2), (3), and (9) of this section shall be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under subsections (2), (5), and (9) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (8) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations.

Sec. 25. Section 60-108, Revised Statutes Supplement, 2002, is amended to read:

60-108. (1) The Department of Motor Vehicles ~~shall~~ may adopt and promulgate rules and regulations to insure uniform and orderly operation of Chapter 60, article 1, and the county clerks of all counties shall conform to such rules and regulations and act at the direction of the department. The department shall also provide the county clerks with the necessary training for the proper administration of Chapter 60, article 1. The department shall receive all instruments forwarded to it by the county clerks under Chapter 60, article 1, and shall maintain indices covering the state at large for the instruments so received. These indices shall be by motor number or by an identification number as provided for in section 60-302 and alphabetically by the owner's name and shall be for the state at large and not for individual counties. The department shall provide and furnish the forms required by section 60-114, except manufacturers' or importers' certificates.

(2) The department shall check with its records all duplicate certificates of title received from the county clerks. If it appears that a certificate of title has been improperly issued, the department shall cancel the same. Upon cancellation of any certificate of title, the department shall notify the county clerk who issued the same, and such county clerk shall thereupon enter the cancellation upon his or her records. The department shall also notify the person to whom such certificate of title was issued, as well as any lienholders appearing thereon, of the cancellation and shall demand the surrender of such certificate of title, but the cancellation shall not affect the validity of any lien noted thereon. The holder of such certificate of title shall return the same to the department forthwith. If a certificate of registration has been issued to the holder of a certificate of title so canceled, the department shall immediately cancel the same and demand the return of such certificate of registration and license plates or tags, and the holder of such certificate of registration and license plates or tags shall return the same to the department forthwith.

(3) The county clerk shall keep on hand a sufficient supply of blank forms which, except certificate of title and forms, shall be furnished and distributed without charge to manufacturers, licensed dealers, or other persons residing within the county.

(4) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186, the designated county official shall conform to the applicable rules and regulations of the department, shall take the training provided by the department, and shall keep on hand a sufficient supply of blank forms which, except for certificate of title and forms, shall be furnished and distributed without charge to manufacturers, licensed dealers, or other persons residing within the county.

Sec. 26. Section 60-110, Revised Statutes Supplement, 2002, is amended to read:

60-110. (1) The provisions of article 9, Uniform Commercial Code, shall never be construed to apply to or to permit or require the deposit, filing, or other record whatsoever of a security agreement, conveyance

intended to operate as a mortgage, trust receipt, conditional sales contract, or similar instrument or any copy of the same covering a motor vehicle. Any mortgage, conveyance intended to operate as a security agreement as provided by article 9, Uniform Commercial Code, trust receipt, conditional sales contract, or other similar instrument covering a motor vehicle, if such instrument is accompanied by delivery of such manufacturer's or importer's certificate and followed by actual and continued possession of the same by the holder of such instrument or, in the case of a certificate of title, if a notation of the same has been made by the county clerk or the Department of Motor Vehicles on the face thereof, shall be valid as against the creditors of the debtor, whether armed with process or not, and subsequent purchasers, secured parties, and other lienholders or claimants but otherwise shall not be valid against them, except that during any period in which a motor vehicle is inventory, as defined in section 9-102, Uniform Commercial Code, held for sale by a person or corporation that is licensed as provided in Chapter 60, article 14, and is in the business of selling motor vehicles, the filing provisions of article 9, Uniform Commercial Code, as applied to inventory, shall apply to a security interest in such motor vehicle created by such person or corporation as debtor without the notation of lien on the instrument of title. A buyer at retail from a licensed dealer of any vehicle which is subject to Chapter 60, article 14, in the ordinary course of business shall take such vehicle free of any security interest.

(2) Subject to ~~the foregoing~~ subsection (1) of this section, all liens, security agreements, and encumbrances noted upon a certificate of title shall take priority according to the order of time in which the same are noted thereon by the county clerk or the Department of Motor Vehicles. Exposure for sale of any motor vehicle by the owner thereof with the knowledge or with the knowledge and consent of the holder of any lien, security agreement, or encumbrance on such motor vehicle shall not render the same void or ineffective as against the creditors of such owner or holder of subsequent liens, security agreements, or encumbrances upon such motor vehicle.

(3) The holder of a security agreement, trust receipt, conditional sales contract, or similar instrument, upon presentation of such instrument to the department, if the certificate of title was issued by the department, or to any county clerk together with the certificate of title and the fee prescribed by section 60-115, may have a notation of such lien made on the face of such certificate of title. The county clerk or the department shall enter the notation and the date thereof over the signature of such officer or deputy and the seal of office. If noted by a county clerk, he or she shall on that day notify the department which shall note the lien on its records. The county clerk or the department shall also indicate by appropriate notation and on such instrument itself the fact that such lien has been noted on the certificate of title.

(4) The county clerk or the department, upon receipt of a lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments together with the fee prescribed for notation of lien, shall notify the first lienholder to deliver to the county clerk or the department, within fifteen days from the date of notice, the certificate of title to permit notation of such junior lien and, after such notation of lien, the county clerk or the department shall deliver the certificate of title to the first lienholder. The holder of a certificate of title who refuses to deliver a certificate of title to the county clerk or the department for the purpose of showing a junior lien on such certificate of title within fifteen days from the date when notified to do so shall be liable for damages to such junior lienholder for the amount of damages such junior lienholder suffered by reason of the holder of the certificate of title refusing to permit the showing of such lien on the certificate of title.

(5) When such lien is discharged, the holder shall, within fifteen days after payment is received, note a cancellation of the lien on the face of the certificate of title over his, her, or its signature and deliver the certificate of title to the county clerk or the department which shall note the cancellation of the lien on the face of the certificate of title and on the records of such office. If delivered to a county clerk, he or she shall on that day notify the department which shall note the cancellation on its records. The county clerk or the department shall then return the certificate of title to the owner or as otherwise directed by the owner. The cancellation of lien shall be noted on the certificate of title without charge. If the holder of the title cannot locate a lienholder, a lien may be discharged ten years after the date of filing by presenting proof that thirty days have passed since the mailing of a written notice by certified mail, return receipt requested, to the last-known address of the lienholder.

(6) If a county board consolidates services under the office of a

designated county official other than the county clerk pursuant to section 23-186, the designated county official shall make notations of all liens and cancellation of liens on motor vehicles and collect fees pursuant to section 60-115.

Sec. 27. Section 60-111.01, Revised Statutes Supplement, 2002, is amended to read:

60-111.01. (1) The Department of Motor Vehicles shall issue a bonded certificate of title to an applicant who:

(a) Presents evidence reasonably sufficient to satisfy the department of the applicant's ownership of the vehicle or security interest in the vehicle;

(b) Provides a statement that an identification inspection has been conducted pursuant to subsection (8) of section 60-106;

(c) Pays a fee of fifty dollars; and

(d) Files a bond in a form prescribed by the department and executed by the applicant.

(2) The bond shall be issued by a surety company authorized to transact business in this state, in an amount equal to one and one-half times the value of the vehicle as determined by the department using reasonable appraisal methods, and conditioned to indemnify any prior owner and secured party, any subsequent purchaser and secured party, and any successor of the purchaser and secured party for any expense, loss, or damage, including reasonable attorney's fees, incurred by reason of the issuance of the certificate of title to the vehicle or any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. An interested person may have a cause of action to recover on the bond for a breach of the conditions of the bond. The aggregate liability of the surety to all persons having a claim shall not exceed the amount of the bond.

(3) At the end of three years after the issuance of the bond, the holder of the certificate of title may apply to the department on a form prescribed by the department for the release of the bond and the removal of the notice required by subsection (4) of this section if no claim has been made on the bond. The department may release the bond at the end of three years after the issuance of the bond if all questions as to the ownership of the vehicle have been answered to the satisfaction of the department unless the department has been notified of the pendency of an action to recover on the bond. If the currently valid certificate of title is surrendered to the department, the department may release the bond prior to the end of the three-year period.

(4) The department shall include the following statement on a bonded certificate of title issued pursuant to this section and any subsequent title issued as a result of a title transfer while the bond is in effect:

NOTICE: THIS VEHICLE MAY BE SUBJECT TO AN UNDISCLOSED INTEREST, BOND NUMBER

(5) The department shall recall a bonded certificate of title if the department finds that the application for the title contained a false statement or if a check presented by the applicant for fees pursuant to this section is returned uncollected by a financial institution.

(6) The department shall remit fees collected pursuant to this section to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(7) The department ~~shall~~ may adopt and promulgate rules and regulations to carry out this section.

Sec. 28. Section 60-129, Revised Statutes Supplement, 2002, is amended to read:

60-129. When an insurance company acquires a salvage vehicle through payment of a total loss settlement on account of damage, the company shall obtain the certificate of title from the owner, surrender such certificate of title to the county clerk, and make application for a salvage branded certificate of title which shall be assigned when the company transfers ownership. An insurer shall take title to a salvage vehicle for which a total loss settlement is made unless the owner of the salvage vehicle elects to retain the vehicle. If the owner elects to retain the salvage vehicle, the insurance company shall notify the Department of Motor Vehicles of such fact in a format prescribed by the department. The department shall immediately enter the salvage brand onto the computerized record of the vehicle. The insurance company shall also notify the owner of the owner's responsibility to comply with this section. The owner shall, within thirty days after the settlement of the loss, forward the properly endorsed acceptable certificate of title to the county clerk or designated county official in the county where the vehicle has situs. The county clerk or

designated county official shall, upon receipt of the certificate of title, issue a salvage branded certificate of title for the vehicle.

Sec. 29. Section 60-139, Revised Statutes Supplement, 2003, is amended to read:

60-139. (1) Sections 60-139 to 60-169 apply to all-terrain vehicles as defined in section 60-6,355 and minibikes as defined in section 60-636, including assembled all-terrain vehicles and minibikes. For purposes of sections 60-139 to 60-169, assembled all-terrain vehicle or minibike means an all-terrain vehicle or minibike that is materially altered from its construction by the removal, addition, or substitution of new or used major component parts. Its make shall be assembled, and its model year shall be the year in which the all-terrain vehicle or minibike was assembled.

(2) All new all-terrain vehicles and minibikes sold on or after January 1, 2004, shall be required to have a certificate of title. An owner of an all-terrain vehicle or minibike sold prior to such date may apply for a certificate of title for such all-terrain vehicle or minibike as provided in rules and regulations of the Department of Motor Vehicles.

Sec. 30. Section 60-301, Revised Statutes Supplement, 2003, is amended to read:

60-301. For purposes of Chapter 60, article 3, unless the context otherwise requires:

(1) Agricultural products means field crops and horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the byproducts derived from any of them;

(2) Apportionable vehicle means any vehicle used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property. Apportionable vehicle does not include any recreational vehicle, vehicle displaying restricted plates, city pickup and delivery vehicle, bus used in the transportation of chartered parties, or government-owned vehicle. Such vehicle shall either (a) be a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand pounds, (b) be a power unit having three or more axles, regardless of weight, or (c) be used in combination when the weight of such combination exceeds twenty-six thousand pounds gross vehicle weight. Vehicles or combinations of vehicles having a gross vehicle weight of twenty-six thousand pounds or less and two-axle vehicles and buses used in the transportation of chartered parties may be proportionally registered at the option of the registrant;

(3) Automobile liability policy means liability insurance written by an insurance carrier duly authorized to do business in this state protecting other persons from damages for liability on account of accidents occurring subsequent to the effective date of the insurance arising out of the ownership of a motor vehicle (a) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (b) subject to the limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (c) in the amount of twenty-five thousand dollars because of injury to or destruction of property of other persons in any one accident. An automobile liability policy shall not exclude liability coverage under the policy solely because the injured person making a claim is the named insured in the policy or residing in the household with the named insured;

(4) Base jurisdiction means, for purposes of fleet registration, the jurisdiction where the registrant has an established place of business, where miles or kilometers are accrued by the fleet, and where operational records of such fleet are maintained or can be made available. For such purpose, there is hereby adopted and incorporated by reference section 1602 of Article XVI, International Registration Plan, adopted by the American Association of Motor Vehicle Administrators, as revised October 1, 2001;

(5) Cabin trailer means any vehicle without motive power designed for living quarters and for being drawn by a motor vehicle and not exceeding one hundred two inches in width, forty feet in length, or thirteen and one-half feet in height, except as provided in subdivision (2)(k) of section 60-6,288;

(6) Commercial trailer means any trailer or semitrailer which has a gross weight, including load thereon, of more than nine thousand pounds and which is designed, used, or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property. Commercial trailer and does not include farm trailers, fertilizer trailers, utility trailers, or cabin trailers;

(7) Commercial vehicle means any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and does not include farm trucks;

(8) Evidence of insurance means evidence of a current and effective automobile liability policy;

(9) Farm trailer means any trailer or semitrailer (a) used exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (b) used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage and market and attached to a passenger car, commercial-licensed vehicle registered for sixteen tons or less, or farm-licensed vehicle, or (c) used by a farmer or rancher to carry his or her own agricultural products, livestock, and produce to and from market. Such trailers shall carry on their license plate, in addition to the registration number, the letter X. Farm trailer does not include a trailer so used when attached to a farm tractor;

(10) Farm trucks means trucks, including combinations of trucks or truck-tractors and trailers or semitrailers, of farmers or ranchers (a) used exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (b) used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage or market, (c) used by farmers or ranchers in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce, or (d) used occasionally to carry camper units, to pull boats or cabin trailers, or to carry or pull museum pieces or vehicles of historical significance, without compensation, to events for public display or educational purposes. Such trucks may carry on their license plates, in addition to the registration number, the designation farm and the words NOT FOR HIRE;

(11) Fertilizer trailer means any trailer, including gooseneck applicators or trailers, designed and used exclusively to carry or apply agricultural fertilizer or agricultural chemicals and having a gross weight, including load thereon, of twenty thousand pounds or less. Such trailers shall carry on their license plate, in addition to the registration number, the letter X;

(12) Film vehicle means any motor vehicle or trailer used exclusively by a nonresident production company temporarily on location in Nebraska producing a feature film, television commercial, documentary, or industrial or educational videotape production;

(13) Fleet means one or more apportionable vehicles;

(14) Highways means public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(15) Injurisdiction distance means total miles or kilometers operated (a) in the State of Nebraska during the preceding year by the motor vehicle or vehicles registered and licensed for fleet operation and (b) in noncontracting reciprocity jurisdictions by fleet vehicles that are base-plated in Nebraska;

(16) Local truck means a truck and combinations of trucks, truck-tractors, or trailers or semitrailers operated solely within an incorporated city or village or within ten miles of the corporate limits of the city or village in which they are owned, operated, and registered. Such trucks shall carry on their license plates, in addition to the registration number, the designation of local truck;

(17) Motor vehicle means any vehicle propelled by any power other than muscular power except (a) mopeds as defined in section 60-637, (b) farm tractors, (c) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops, agricultural floater-spreader implements as defined in section 60-6,294.01, and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, (d) power unit hay grinders or a combination which includes a power unit and a hay grinder when operated without cargo, (e) vehicles which run only on rails or tracks, (f) off-road designed vehicles, including, but not limited to, golf carts, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles as defined in section 60-6,355, snowmobiles ~~as defined in section 60-663~~ registered or exempt from registration under sections 60-6,320 to 60-6,346, and minibikes as defined in section 60-636, (g) road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls,

power shovels, earthmoving equipment, and crawler tractors, (h) self-propelled chairs used by persons who are disabled, and (i) electric personal assistive mobility devices as defined in section 60-618.02;

(18) Motorcycle means any motor vehicle, except a tractor, an all-terrain vehicle as defined in section 60-6,355, or an electric personal assistive mobility device as defined in section 60-618.02, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground;

(19) Noncontracting reciprocity jurisdiction means any jurisdiction which is not a party to any type of contracting agreement between the State of Nebraska and one or more other jurisdictions for registration purposes on commercial vehicles and, as a condition to operate on the highways of that jurisdiction, (a) does not require any type of vehicle registration or allocation of vehicles for registration purposes or (b) does not impose any charges based on miles operated, other than those that might be assessed against fuel consumed in that jurisdiction, on any vehicles which are part of a Nebraska-based fleet;

(20) Owner means a person, firm, or corporation which holds a legal title of a vehicle. If (a) a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, (b) a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or (c) a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for purposes of Chapter 60, article 3. For such purpose, there are hereby adopted and incorporated by reference the provisions of Article XI, International Registration Plan, adopted by the American Association of Motor Vehicle Administrators, as revised October 1, 2001;

(21) Park means to stop a vehicle for any length of time, whether occupied or unoccupied;

(22) Passenger car means a motor vehicle designed and used to carry ten passengers or less and not used for hire;

(23) Proof of financial responsibility has the same meaning as in section 60-501;

(24) Self-propelled mobile home means a vehicle with motive power designed for living quarters;

(25) Semitrailer means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle;

(26) Suspension of operator's license has the same meaning as in section 60-476.02;

(27) Total fleet distance means the total distance operated in all jurisdictions during the preceding year by the vehicles in such fleet during such year;

(28) Trailer means any vehicle without motive power designed for carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(29) Transporter means any person lawfully engaged in the business of transporting vehicles not his or her own solely for delivery thereof (a) by driving singly, (b) by driving in combinations by the towbar, fullmount, or saddlemount methods or any combinations thereof, or (c) when a truck or tractor draws a semitrailer or tows a trailer;

(30) Truck means a motor vehicle that is designed, used, or maintained primarily for the transportation of property;

(31) Truck-tractor means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn;

(32) Utility trailer means a trailer having a gross weight, including load thereon, of nine thousand pounds or less attached to a motor vehicle. ~~and used exclusively to carry miscellaneous items of personal property.~~ Such trailers shall carry on their license plate, in addition to the registration number, the letter X; and

(33) Vehicle means any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.

Sec. 31. Section 60-302.05, Revised Statutes Supplement, 2002, is amended to read:

60-302.05. (1)(a) The motor vehicle insurance data base is created. The Department of Motor Vehicles shall develop and administer the motor

vehicle insurance data base which shall include the information provided by insurance companies as required by the department pursuant to sections 60-302.05 to 60-302.08. The motor vehicle insurance data base shall be used to facilitate registration of motor vehicles in this state by the department and its agents. The Director of Motor Vehicles may contract with a designated agent for the purpose of establishing and operating the motor vehicle insurance data base and monitoring compliance with the financial responsibility requirements of sections 60-302.05 to 60-302.08. The department shall implement the motor vehicle insurance data base no later than July 1, 2004. The director shall designate the date for the department's implementation of the motor vehicle insurance data base.

(b) The department ~~shall~~ may adopt and promulgate rules and regulations to carry out sections 60-302.05 to 60-302.08. The rules and regulations shall include specifications for the information to be transmitted by the insurance companies to the department for inclusion in the motor vehicle insurance data base, and specifications for the form and manner of transmission of data for inclusion in the motor vehicle insurance data base, as recommended by the Motor Vehicle Insurance Data Base Task Force created in subsection (2) of this section in its report to the department.

(2)(a) The Motor Vehicle Insurance Data Base Task Force is created. The Motor Vehicle Insurance Data Base Task Force shall investigate the best practices of the industry and recommend specifications for the information to be transmitted by the insurance companies to the Department of Motor Vehicles for inclusion in the motor vehicle insurance data base and specifications for the form and manner of transmission of data for inclusion in the motor vehicle insurance data base. The Motor Vehicle Insurance Data Base Task Force shall complete a written report of its recommendations and submit the report to the department and file a copy with the Clerk of the Legislature no later than September 30, 2003.

(b) The Motor Vehicle Insurance Data Base Task Force shall consist of:

- (i) The Director of Motor Vehicles or his or her designee;
- (ii) The Director of Insurance or his or her designee;
- (iii) The following members who shall be selected by the Director of Insurance:

(A) One representative of a domestic automobile insurance company or domestic automobile insurance companies;

(B) One representative of an admitted foreign automobile insurance company or admitted foreign automobile insurance companies; and

(C) One representative of insurance producers licensed under the laws of this state; and

- (iv) Four members to be selected by the Director of Motor Vehicles.

(c) The requirements of this subsection shall expire on July 1, 2004, except that the Director of Motor Vehicles may reconvene the task force at any time thereafter if he or she deems it necessary.

Sec. 32. Section 60-308, Revised Statutes Supplement, 2002, is amended to read:

60-308. The Department of Motor Vehicles shall keep a record of each vehicle registered, alphabetically by name of the owner, with cross reference in each instance to the registration number assigned to such vehicle. The record may be destroyed by any public officer having custody of it after three years from the date of its issuance.

The department shall furnish a copy of the record of a registered or titled vehicle to any person after receiving from the person the name on the registration, the license plate number, the vehicle identification number, or the title number of a vehicle, if the person provides to the department verification of identity and purpose pursuant to section 60-2906 or 60-2907. A fee of one dollar shall be charged for the copy. An extract of the entire file of vehicles registered or titled in the state or updates to the entire file may be provided to a person upon payment of a fee of ~~twelve~~ eighteen dollars per thousand records. Any fee received by the department pursuant to this section shall be deposited into the Department of Motor Vehicles Cash Fund.

The record of each vehicle registration or title maintained by the department pursuant to this section may be made available electronically through the gateway or electronic network established under section 84-1204 so long as the Uniform Motor Vehicle Records Disclosure Act is not violated. There shall be a fee of one dollar per record for individual records. For batch requests for multiple vehicle title and registration records selected on the basis of criteria of the individual making the request, there shall be a fee of ~~twenty-four~~ fifty dollars for every request under two thousand records and a fee of ~~twelve~~ eighteen dollars per one thousand records for any number

of records over two thousand, plus a reasonable programming fee not to exceed five hundred twenty dollars. All fees collected pursuant to this section for electronic access to records through the gateway shall be deposited in the Records Management Cash Fund and shall be distributed as provided in any agreements between the State Records Board and the department.

Sec. 33. Section 60-311.01, Revised Statutes Supplement, 2002, is amended to read:

60-311.01. (1) Commencing with the year 1952, registration of motor vehicles shall be carried out by counties.

(2)(a) Each county in the state shall use the county number system except as otherwise provided in this subsection.

(b) Except as provided in subdivision (d) of this subsection, beginning January 1, 2002, registration of motor vehicles in counties having a population of one hundred thousand inhabitants or more according to the most recent federal decennial census shall be by an alphanumeric system rather than by the county number system.

(c) Except as provided in subdivision (d) of this subsection, beginning January 1, 2002, registration of motor vehicles in all other counties shall be, at the option of each county board, by either the alphanumeric system or the county number system.

(d) Beginning January 1, 2002, registration of motor vehicles as farm trailers or farm trucks shall be by the county number system.

(3) Counties using the alphanumeric system shall show on the license plates of vehicles licensed therein a combination of three letters followed by a combination of three numerals. The department ~~shall~~ may adopt and promulgate rules and regulations creating alphanumeric distinctions on the license plates based upon the registration of the vehicle.

(4) Counties using the county number system shall show on vehicles licensed therein a county number on the license plate preceding a dash which shall then be followed by the individual number assigned to the motor vehicle, and which identification number, excluding the county prefix number, may be combined with letters and numerals of the same height. The county numbers assigned to the counties in Nebraska shall be as follows:

No.	Name of County	No.	Name of County
1	Douglas	2	Lancaster
3	Gage	4	Custer
5	Dodge	6	Saunders
7	Madison	8	Hall
9	Buffalo	10	Platte
11	Otoe	12	Knox
13	Cedar	14	Adams
15	Lincoln	16	Seward
17	York	18	Dawson
19	Richardson	20	Cass
21	Scotts Bluff	22	Saline
23	Boone	24	Cuming
25	Butler	26	Antelope
27	Wayne	28	Hamilton
29	Washington	30	Clay
31	Burt	32	Thayer
33	Jefferson	34	Fillmore
35	Dixon	36	Holt
37	Phelps	38	Furnas
39	Cheyenne	40	Pierce
41	Polk	42	Nuckolls
43	Colfax	44	Nemaha
45	Webster	46	Merrick
47	Valley	48	Red Willow
49	Howard	50	Franklin
51	Harlan	52	Kearney
53	Stanton	54	Pawnee
55	Thurston	56	Sherman
57	Johnson	58	Nance
59	Sarpy	60	Frontier
61	Sheridan	62	Greeley
63	Boyd	64	Morrill
65	Box Butte	66	Cherry
67	Hitchcock	68	Keith
69	Dawes	70	Dakota
71	Kimball	72	Chase
73	Gosper	74	Perkins
75	Brown	76	Dundy

77	Garden	78	Deuel
79	Hayes	80	Sioux
81	Rock	82	Keya Paha
83	Garfield	84	Wheeler
85	Banner	86	Blaine
87	Logan	88	Loup
89	Thomas	90	McPherson
91	Arthur	92	Grant
93	Hooker		

Sec. 34. Section 60-311.02, Revised Statutes Supplement, 2003, is amended to read:

60-311.02. (1) The letters and numerals for motorcycle and trailer plates may be one-half the size of those required for motor vehicles.

(2) On license plates issued to a manufacturer or dealer, there shall be displayed, in addition to the registration number, the letters DLR.

(3) On license plates issued for use on motor vehicles which are exempt pursuant to subdivision (6) of section 60-3002, there shall be ~~embossed~~ displayed, in addition to the registration number, the word exempt which shall appear at the bottom of the license plates issued after January 1, 1999. The Department of Motor Vehicles may provide distinctive plates for the exempt vehicles.

(4) On commercial trucks and truck-tractors with a gross weight of five tons or over and on farm trucks with a gross weight of over sixteen tons there shall be displayed, in addition to the registration number, the weight that such vehicle is licensed for, using a sticker or tab on the registration plates of such trucks in letters and figures of such size and design as shall be determined and furnished by the department.

(5) When two registration plates are issued, one shall be prominently displayed at all times on the front and one on the rear of the registered vehicle. When only one plate is issued for dealers, motorcycles, semitrailers, trailers, cabin trailers, and buses, it shall be prominently displayed on the rear of the registered vehicle. When only one plate is issued for motor vehicles registered pursuant to section 60-356 and truck-tractors, it shall be prominently displayed on the front of the apportioned vehicle.

(6) Any violation of this section shall be subject to a penalty or penalties as provided in section 60-348.

Sec. 35. Section 60-364, Revised Statutes Supplement, 2003, is amended to read:

60-364. (1) The Director of Motor Vehicles may revoke, suspend, cancel, or refuse to issue or renew a registration certificate under sections 60-356 to 60-361 upon receipt of notice under the federal Performance and Registration Information Systems Management Program that the ability of the applicant or certificate holder to operate has been terminated or denied by a federal agency.

(2) Any person who receives notice from the director of action taken pursuant to subsection (1) of this section shall immediately return such registration certificate and license plates to the Department of Motor Vehicles. If any person fails to return the certificate and plates to the department, the department shall forthwith direct a carrier enforcement officer or other officer of the Nebraska State Patrol to secure possession thereof and to return the same to the department. The officer shall make every reasonable effort to secure the certificate and plates and return them to the department.

Sec. 36. Section 60-462.01, Revised Statutes Supplement, 2003, is amended to read:

60-462.01. For purposes of the Motor Vehicle Operator's License Act, the parts, subparts, and sections of the federal Motor Carrier Safety Regulations, 49 C.F.R., as referenced in the act and as they existed on January 1, ~~2003~~ 2004, are adopted as Nebraska law.

Sec. 37. Section 60-483, Revised Statutes Supplement, 2003, is amended to read:

60-483. (1) The director shall assign a distinguishing number to each operator's license issued and shall keep a record of the same which shall be open to public inspection by any person requesting inspection of such record who qualifies under section 60-2906 or 60-2907. Any person requesting such driver record information shall furnish to the Department of Motor Vehicles (a) verification of identity and purpose that the requester is entitled under section 60-2906 or 60-2907 to disclosure of the personal information in the record, (b) the name of the person whose record is being requested, and (c) when the name alone is insufficient to identify the correct record, the department may request additional identifying information. The

department shall, upon request of any requester, furnish a certified abstract of the operating record of any person, in either hard copy or electronically, and shall charge the requester a fee of three dollars per abstract.

(2) The department shall remit any revenue generated under subsections (1) through (5) of this section to the State Treasurer, and the State Treasurer shall credit eight and one-third percent to the Department of Motor Vehicles Cash Fund, fifty-eight and one-third percent to the General Fund, and thirty-three and one-third percent to the Records Management Cash Fund.

(3) The director shall, upon receiving a request and an agreement from the United States Selective Service System to comply with requirements of this section, furnish driver record information to the United States Selective Service System to include the name, post office address, date of birth, sex, and social security number of licensees. The United States Selective Service System shall pay all costs incurred by the department in providing the information but shall not be required to pay any other fee required by law for information. No driver record information shall be furnished to the United States Selective Service System regarding any female, nor regarding any male other than those between the ages of seventeen years and twenty-six years. The information shall only be used in the fulfillment of the required duties of the United States Selective Service System and shall not be furnished to any other person.

(4) The director shall keep a record of all applications for operators' licenses that are disapproved with a brief statement of the reason for disapproval of the application.

(5) The director may establish a monitoring service which provides information on operating records that have changed due to any adjudicated traffic citation or administrative action. The director shall charge a fee of six cents per operating record searched pursuant to this section and the fee provided in subsection (1) of this section for each abstract returned as a result of the search.

(6) Driver record header information, including name, license number, date of birth, address, and physical description, from every driver record maintained by the department may be made available so long as the Uniform Motor Vehicle Records Disclosure Act is not violated. Monthly updates, including all new records, may also be made available. There shall be a fee of eighteen dollars per thousand records. All fees collected pursuant to this subsection shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 38. Section 60-484.02, Revised Statutes Supplement, 2002, is amended to read:

60-484.02. (1) Each applicant for an operator's license or state identification card shall have his or her photograph taken or, beginning on the implementation date designated pursuant to section 60-484.01, have his or her digital image taken. Digital images shall be preserved for use as prescribed in sections 60-4,119, 60-4,151, and 60-4,180. The images shall be used for issuing operators' licenses and state identification cards. The images may be retrieved only by the Department of Motor Vehicles for issuing renewal, duplicate, and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (3) of this section.

(2) Upon application for an operator's license or state identification card, each applicant shall provide his or her signature in a form prescribed by the department. Beginning on the implementation date designated pursuant to section 60-484.01, digital signatures shall be preserved for use on original, renewal, duplicate, and replacement operators' licenses and state identification cards and may not be otherwise released except in accordance with subsection (3) of this section.

(3) No officer, employee, agent, or contractor of the department or a law enforcement officer shall release a digital image or a digital signature except to a federal, state, or local law enforcement agency or a driver licensing agency of another state for the purpose of carrying out the functions of the agency or assisting another agency in carrying out its functions upon the verification of the identity of the person requesting the release of the information and the verification of the purpose of the requester in requesting the release. Any officer, employee, agent, or contractor of the department or law enforcement officer that knowingly discloses or knowingly permits disclosure of a digital image or digital signature in violation of this section shall be guilty of a Class IV felony and shall be subject to removal from office or discharge in the discretion of the Governor or agency head, as appropriate.

Sec. 39. Section 60-6,324, Reissue Revised Statutes of Nebraska, is

amended to read:

60-6,324. (1) The certificate of registration and numbered decal issued shall be valid for two years. The registration period for snowmobiles shall expire on the last day of September two years after the year of issuance, and renewal shall become delinquent on the first day of the following month.

(2) Such registration may be renewed every two years in the same manner as provided for the original registration. ~~On making application for renewal, the registration certificate for the preceding registration period shall be presented with the application. If such certificate is not presented, a fee of one dollar shall be added to the registration fee.~~

(3) Every owner of a snowmobile shall renew his or her registration in the manner prescribed in sections 60-6,320 to 60-6,346 upon payment of the registration fees provided in section 60-6,323.

Sec. 40. Section 60-1805, Reissue Revised Statutes of Nebraska, is amended to read:

60-1805. Such permit shall be renewed annually in the same manner and upon the payment of the same fee as provided for original issuance. Such renewal shall become due on the first day of January of each year and delinquent on March 1 of each year. ~~On making an application for renewal, the permit for the preceding year must be presented with the application. In case such permit is not presented, the county treasurer shall not issue the renewal permit until a sworn statement shall be made stating what disposition has been made of the previous permit, and an additional fee of one dollar shall be charged.~~

Sec. 41. Section 60-1901, Revised Statutes Supplement, 2002, is amended to read:

60-1901. (1) A motor vehicle is an abandoned vehicle:

(a) If left unattended, with no license plates or valid In Transit decals issued pursuant to section 60-320 affixed thereto, for more than six hours on any public property;

(b) If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;

(c) If left unattended for more than forty-eight hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(d) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated; or

(e) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under section 60-1903.01.

(2) An all-terrain vehicle or minibike is an abandoned vehicle:

(a) If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;

(b) If left unattended for more than forty-eight hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(c) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated; or

(d) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under section 60-1903.01.

(3) For purposes of this section:

(a) Public property means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and

(b) Private property means any privately owned property which is not included within the definition of public property.

~~(4)~~ (4) No motor vehicle subject to forfeiture under section 28-431 shall be an abandoned vehicle under this section.

Sec. 42. Section 60-1904, Revised Statutes Supplement, 2002, is amended to read:

60-1904. If a state agency caused an abandoned vehicle described in subdivision (1)(e) or (2)(d) of section 60-1901 to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in subdivision (1)(a), (b), (c), or (d) or (2)(a), (b), or (c) of section 60-1901 to be removed from public property, the state agency shall deliver the vehicle to the local authority which shall have custody. The local authority entitled to custody of an abandoned vehicle shall be the county in which the vehicle was abandoned or, if abandoned in a city or village, the city or village in which the

vehicle was abandoned.

Sec. 43. Section 60-1907, Revised Statutes Supplement, 2002, is amended to read:

60-1907. No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (1)(a), (b), (c), or (d) or (2)(a), (b), or (c) of section 60-1901.

Sec. 44. Section 81-8,219, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,219. The State Tort Claims Act shall not apply to:

(1) Any claim based upon an act or omission of an employee of the state, exercising due care, in the execution of a statute, rule, or regulation, whether or not such statute, rule, or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state agency or an employee of the state, whether or not the discretion is abused;

(2) Any claim arising with respect to the assessment or collection of any tax or fee, or the detention of any goods or merchandise by any law enforcement officer;

(3) Any claim for damages caused by the imposition or establishment of a quarantine by the state whether such quarantine relates to persons or property;

(4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(5) Any claim by an employee of the state which is covered by the Nebraska Workers' Compensation Act;

(6) Any claim based on activities of the Nebraska National Guard when such claim is cognizable under the Federal Tort Claims Act, 28 U.S.C. 2674, or the National Guard Tort Claims Act of the United States, 32 U.S.C. 715, or when such claim accrues as a result of active federal service or state service at the call of the Governor for quelling riots and civil disturbances;

(7) Any claim based upon the failure to make an inspection or making an inadequate or negligent inspection of any property other than property owned by or leased to the state to determine whether the property complies with or violates any statute, ordinance, rule, or regulation or contains a hazard to public health or safety unless the state had reasonable notice of such hazard or the failure to inspect or inadequate or negligent inspection constitutes a reckless disregard for public health or safety;

(8) Any claim based upon the issuance, denial, suspension, or revocation of or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, or order. Such claim shall also not be filed against a state employee acting within the scope of his or her office. Nothing in this subdivision shall be construed to limit the state's liability for any claim based upon the negligent execution by a state employee in the issuance of a certificate of title under sections 37-1278 to 37-1279, 37-1282, 37-1283, 37-1291, 60-110 to 60-112, and 60-129 to 60-131 and sections 5 to 11 of this act;

(9) Any claim arising out of the malfunction, destruction, or unauthorized removal of any traffic or road sign, signal, or warning device unless it is not corrected by the governmental entity responsible within a reasonable time after actual or constructive notice of such malfunction, destruction, or removal. Nothing in this subdivision shall give rise to liability arising from an act or omission of any governmental entity in placing or removing any traffic or road signs, signals, or warning devices when such placement or removal is the result of a discretionary act of the governmental entity;

(10) Any claim arising out of snow or ice conditions or other temporary conditions caused by nature on any highway as defined in section 60-624, bridge, public thoroughfare, or other state-owned public place due to weather conditions. Nothing in this subdivision shall be construed to limit the state's liability for any claim arising out of the operation of a motor vehicle by an employee of the state while acting within the course and scope of his or her employment by the state;

(11) Any claim arising out of the plan or design for the construction of or an improvement to any highway as defined in such section or bridge, either in original construction or any improvement thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the governmental entity or some other body or employee exercising discretionary authority to give such approval; or

(12) Any claim arising out of the alleged insufficiency or want of repair of any highway as defined in such section, bridge, or other public thoroughfare. Insufficiency or want of repair shall be construed to refer to

the general or overall condition and shall not refer to a spot or localized defect. The state shall be deemed to waive its immunity for a claim due to a spot or localized defect only if the state has had actual or constructive notice of the defect within a reasonable time to allow repair prior to the incident giving rise to the claim.

Sec. 45. Sections 1 to 27, 29 to 44, and 47 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 46. Original section 60-129, Revised Statutes Supplement, 2002, is repealed.

Sec. 47. Original sections 37-1201, 60-6,324, 60-1805, and 81-8,219, Reissue Revised Statutes of Nebraska, sections 13-910, 30-24,125, 37-1291, 60-108, 60-110, 60-111.01, 60-302.05, 60-308, 60-311.01, 60-484.02, 60-1901, 60-1904, and 60-1907, Revised Statutes Supplement, 2002, and sections 60-106, 60-139, 60-301, 60-311.02, 60-364, 60-462.01, and 60-483, Revised Statutes Supplement, 2003, are repealed.

Sec. 48. Since an emergency exists, this act takes effect when passed and approved according to law.